

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: DIGITEK
PRODUCTS LIABILITY LITIGATION

MDL NO. 1968

THIS DOCUMENT RELATES TO:
ALL CASES

NOTICE TO TAKE VIDEOTAPED ORAL DEPOSITION

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal Rules of Civil Procedure, Plaintiffs in the above-entitled action will take the oral videotaped deposition of **Michael Ponzo** on **Wednesday, May 12, 2010, at 9:00 a.m. at Harris Beach PLLC, 100 Wall Street, New York, NY 10005**, before a Notary Public authorized to administer oaths for the State of New York. Said deposition will continue from day to day until completed.

The deposition will be recorded by Golkow Technologies, Inc., One Liberty Place, Suite 5150, Philadelphia, Pennsylvania 19103. Notice is also given that this deposition may be recorded by videotape. Plaintiffs reserve the right to use the videotaped deposition at the trial in this matter and in any other evidentiary hearing or proceeding where oral testimony may be admitted into evidence.

The deponent is not a party to this action. Said deponent has been or will be served with a deposition subpoena, by agreement, through his attorney, Michael Anderton, Esquire. **A COPY OF THE SUBPOENA TO APPEAR AND TESTIFY AT A DEPOSITION IN A CIVIL CASE IS ATTACHED HERETO AND SERVED HERewith.** A list of all parties or attorneys for parties on whom this Notice of Deposition is being served is shown on the accompanying Certificate of Service.

Respectfully submitted,

On Behalf of the Plaintiffs' Steering Committee

s/FredThompson III

Fred Thompson, III, Esq.

Motley Rice, LLC

28 Bridgeside Blvd.

Mt. Pleasant, SC 29464

Co-Lead Counsel

Carl N. Frankovitch, Esq.

Frankovitch, Anetakis, Colantonio & Simon

337 Penco Road

Weirton, WV 26062

Co-Lead Counsel

Harry F. Bell, Jr., Esq.

Bell & Bands PLLC

P.O. Box 1723

Charleston 25326

Co-Lead and Liaison Counsel

EXHIBIT "A"

SUBPOENA DUCES TECUM

Pursuant to the Rule 30(b)(2) of the Federal Rules of Civil Procedure, the witness shall bring the following documents to the deposition:

1. Curriculum vitae; and
2. All documents deponent reviewed in preparation for deposition.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 28, 2010, I filed this Notice and Subpoena electronically and served via e-mail a true and correct copy of the foregoing Notice of Deposition of to:

Rebecca A. Betts, Defendants' Liaison Counsel
Allen Guthrie & Thomas, PLLC
P.O. Box 3394
Charleston, WV 25333-3394

Harvey L. Kaplan, Esq.
Shook Hardy and Bacon LLP
2555 Grand Boulevard
Kansas City, Missouri 64108

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Tucker, Ellis & West, LLP
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Madeleine McDonough, Esquire
Shook, Hardy, & Bacon LLP
2555 Grand Boulevard
Kansas City, Missouri 64108

PLAINTIFFS' STEERING COMMITTEE

By: s/FredThompson III_____

Plaintiffs' Co-Lead Counsel

EXHIBIT A

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

In Re: Products Liability Litigation

Plaintiff

v.

Defendant

Civil Action No. MDL No. 1968

(If the action is pending in another district, state where:

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Michael Ponzo, by and through his attorney, Michael Anderton, Esquire.

☒ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Harris Beach PLLC
100 Wall Street
New York, NY 10005

Date and Time:

05/12/2010 9:00 am

The deposition will be recorded by this method: Video and Transcription

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See Exhibit "A"

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 04/28/2010

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) _____ Plaintiffs

_____, who issues or requests this subpoena, are:
Fred Thompson III, Meghan Johnson Carter, Motley Rice LLC, PO Box 1792, Mt. Pleasant, SC 29465,
fthompson@motleyrice.com, (843) 216-9000.

Civil Action No. MDL No. 1968

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: